REMARKS

Applicant is in receipt of the Office Action mailed December 16, 2005. Claims 1-21 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Information Disclosure Statement

The previous Office Action of July 5, 2005 indicated various problems with a previously filed Information Disclosure Statement (IDS). Applicant has accordingly submitted an IDS herewith correcting these problems. Applicant respectfully requests that the Examiner consider the newly submitted references.

Section 102 Rejections

Claims 1-12 were rejected under 35 U.S.C. 102(a) as being anticipated by Hoffberg et al. (U.S. Pub 2002/0151992 A1, "Hoffberg"). Applicant respectfully disagrees

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites:

1. A memory medium comprising program instructions for specifying a signal analysis function, wherein the memory medium is in a computer system comprising a display, wherein the program instructions are executable to implement:

receiving user input specifying a first operation, wherein the operation implements at least a portion of a signal analysis function;

programmatically analyzing prior operations input by the user to determine an input source for the first operation, wherein the input source provides a first input signal;

performing the first operation on the first input signal received from the input source, wherein said performing produces an output signal;

displaying the output signal on the display; and

performing said programmatically analyzing, said performing, and said displaying for each of a plurality of first operations input by the user.

The Examiner asserts that Hoffberg teaches all of the features and limitations of claim 1. For example, the Examiner asserts that Hoffberg teaches "programmatically analyzing prior operations input by the user to determine an input source for the first operation, wherein the input source provides a first input signal", citing paragraph [0880]. Applicant respectfully disagrees. Paragraph [0880] recites:

> [0880] It is therefore an object according to the present invention to provide a programmable control, having a status, ***responsive to an user input and a signal received from a signal source***, comprising a controller, for receiving the user input and the signal and producing a control output; a memory for storing data relating to an activity of the user; ***a data processing system for adaptively predicting a most probable intended action of the user based on the stored data relating to the activity of the user*** and derived weighing of at least a subset of possible choices, the derivation being based on a history of use, a context of a respective choice and the status of the control; and a user feedback data presenting system comprising an output device for ***presentation of a variable sequence of programming options to the user, including the most probable intended action of the user, in a plurality of output messages, the output messages differing in available programming options***. *(emphasis added)*

As argued in the previous Response, which is hereby incorporated by reference, and as may be seen above, paragraph [0880] discloses a data processing system that, in response to user input, anticipates the user's most probable intended action based upon a history of user actions, e.g., viewing preferences for the user. Nowhere does Hoffberg disclose **programmatically analyzing prior operations input by the user to determine an input source for the first operation, wherein the input source provides a first input signal**. Applicant respectfully submits that in Hoffberg's approach, as is clear

from the cited paragraph, the input source is known, being the disclosed data stream and/or the memory medium storing the compressed data, and so Hoffberg does not and cannot teach this claimed feature.

In the Response to Arguments section of the present Office Action, the Examiner asserts that Hoffberg discloses "the use of adaptive prediction based on the history of use regarding a user with respect to an image type", and "that a signal is produced that corresponds to a relation between at least one of a plurality of images of compressed data". Applicant submits that these features of Hoffberg are not germane to the present invention. For example, Applicant respectfully submits that predicting a viewing setting for the user based on an image type and the user's history regarding viewing preferences with respect to different image types, where the source of both the images and information characterizing the image types is known, is quite distinct from Applicant's claimed invention as represented in claim 1. More specifically, Applicant notes that Hoffberg nowhere teaches or suggests, or even hints at, programmatically determining an input signal *source* for an operation, based on an analysis of prior operations input by the user.

Moreover, the Office Action asserts that "this signal is what is being analyzed in the first operation", apparently referring to the indicative signal generated by Hoffberg's controller in response to the user input and the characterization data and/or data stream. Applicant notes that the Office Action attempts to equate Hoffberg's resultant signal indicating a relationship between an image of compressed data and characterized image types with the first input signal from the programmatically determined input source of claim 1. However, Applicant submits that the source for this signal is known—specifically, this signal is generated by a controller, whose input sources (user input and a specified data or signal source) are also known. Thus, the Examiner's asserted equivalence is incorrect and improper.

The Office Action further states, "the Examiner considers the image type is an input source for this operation". Applicant respectfully notes that, as is well known to those of skill in the art, an image type is a characteristic of an image, and so is not and cannot be an input source for an input signal for an operation.

Nowhere does Hoffberg disclose or even hint at programmatically (i.e., automatically) analyzing prior operations input by the user to *determine an input source for the first operation, wherein the input source provides a first input signal.* In fact, Hoffberg fails to disclose programmatically (i.e., automatically) determining an input source for an input signal at all. Applicant respectfully notes that in Hoffberg's system, the sources for data/images/signals are all known, and so Hoffberg actually teaches away from Applicant's invention as represented in claim 1.

The Examiner also asserts that Hoffberg teaches "performing the first operation on the first input signal received from the input source, wherein said performing produces an output signal; displaying the output signal on the display; and performing said programmatically analyzing, said performing, and said displaying for each of a plurality of first operations input by the user", citing paragraphs [0881] and [0882].

As noted previously, paragraphs [0881] and [0882] describe the input/output interaction between the user and display followed by adaptive modification of the user's viewing preference. Applicant respectfully submits that the cited text does not teach or suggest the iterative programmatic analysis, performance, and display for each of a plurality of first operations input by the user, as recited in claim 1.

In the Response to Arguments section of the present Office Action, the Examiner asserts that Hoffberg discloses "adaptively determining viewer preference based on user input received by the controller and performing an action based on user input and information content received from a signal source and provided on a display using feedback data on the display device", and further asserts that "since the controller adaptively performs using a correlation index that compares a user preference to characterized content of program material", "the Examiner considers this to imply a plurality of first operations". Applicant respectfully submits that, again, the Examiner has mischaracterized Hoffberg. For example, as noted above, Hoffberg's signal sources for the controller are known, and so in Hoffberg's system, the signal source is *not* programmatically determined, as explained at length above. Hoffberg's plurality of stored profiles and/or presentations of viewer preferences cannot properly be equated with or imply the plurality of first operations of claim 1.

Thus, Applicant submits that Hoffberg fails to teach all the features and limitations of claim 1, and so, for at least the reasons provided above, Applicant submits that claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over Hoffberg, and are thus allowable.

Independent claims 20 and 21 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, Applicant submits that claims 20 and 21, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over Hoffberg, and are thus allowable.

As also argued previously, Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. For example, regarding claim 3, the Examiner asserts that Hoffberg discloses "querying a database to determine the prior operation that provides an output signal of the appropriate signal type", citing paragraphs [0296] and [0821]. However, Applicant notes that the cited text actually describes pattern recognition systems. For example, paragraph [0296] recites:

> Query by image content, a phrase coined by IBM researchers, relates to a system for retrieving image data stored in a database on the basis of the colors, textures, morphology or objects contained within the image. Therefore, the system characterizes the stored images to generate a metadata index, which can then be searched. Unindexed searching is also possible.

As argued previously, Applicant respectfully maintains that this paragraph is not germane to this feature of claim 3. Similarly, paragraph [0821] relates to a pattern recognition subsystem that allows a "description" of an "event" without explicit definition of the data representing the "event".

Nowhere does Hoffberg describe or indicate that this pattern recognition system is capable of determining the prior operation that provides an output signal of the appropriate signal type for input to a first operation.

In the Response to Arguments section of the present Office Action, the Examiner asserts that Hoffberg's chronological database and adaptive provision of information relating to the input signal and a current status of the apparatus based on data input

involving a history of use and a control output for controlling the response of the apparatus relating to the detection of the input signal or the data somehow properly addresses the limitation in question, but nowhere explains how this is so. More specifically, the Examiner has failed to explain how Hoffberg's system programmatically determines a prior operation that provides an output signal of the appropriate signal type for input to the first operation. Applicant respectfully submits that Hoffberg nowhere teaches or suggests this feature, and, as argued above, also fails to teach or suggest programmatically determining a signal source for the input signal of the first operation in general.

Thus, for at least these reasons, Applicant submits that claim 3 and those claims dependent therefrom are patentably distinct and non-obvious over Hoffberg, and are thus allowable.

Further novel features and limitations are recited in the dependent claims, however, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Applicant respectively requests removal of the section 102 rejection of claims 1-21.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-82400/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☒ PTO Form-1449 and References A19, A23, A27, A31 and A71

Respectfully submitted,

Jeffrey C. Hood
Reg. No. 35,198
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: 2/7/2006 JCH/MSW